



COMMONWEALTH of VIRGINIA

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COMMISSIONER

*DEPARTMENT OF
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MEMORANDUM

To: DBHDS Licensed Providers

From: Jae Benz, Director, Office of Licensing

Date: June 26, 2020

RE: Fieldprint closures and hiring during COVID-19 State of Emergency – effective March 12, 2020 through the Governor’s Declaration of a State of Emergency Due to Novel Coronavirus (Executive Order 51)

In light of the COVID-19 public health emergency, Fieldprint closed several of their offices throughout the Commonwealth, making it impossible for direct care staff or supervisory staff required to comply with the provisions of §§37.2-416, 37.2-506, or 37.2-607 to submit fingerprints for background checks.

When a provider subject to §§37.2-416, 37.2-506, or 37.2-607 is in an area where Fieldprint has temporarily closed its office, the provider shall take the following steps when bringing on new staff:

- Providers shall require all new staff to submit a disclosure statement stating whether the person has ever been convicted of or is the subject of pending charges for any offense (12 VAC 35-105-400.B.). In addition, the provider shall address what actions it will take should it be discovered that a person has a founded case of abuse or neglect or both, or a conviction or pending criminal charge.
- Providers shall designate an employee within management to review each disclosure statement against §37.2-416 with barrier crimes listed in §19.2-392.02 (as of June 18, 2020).
- Once the reviewer has completed their review, they shall sign the disclosure statement certifying that they have reviewed the disclosure statement and have not identified any barrier crimes. If the reviewer does identify barrier crimes within the disclosure statement, the employee shall not be permitted to work before the results of their criminal history background check have been returned.

- The provider shall maintain the employee's signed disclosure statement in the employee's personnel file.
- Once the abovementioned steps have been taken, if the provider allows the employee to begin working prior to receipt of the employee's criminal history background check results, DBHDS will not consider providers to be in violation of Virginia Code §§ 37.2-416, 37.2-506, or 37.2-607.
- Please note that employees are expected to make the first available appointment once the local Fieldprint offices re-open.

Sincerely,

Jae Benz

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Director, Office of Licensing DBHDS